

approved 7/12/22

ZONING BOARD OF APPEALS

Meeting Minutes of June 21, 2022

@ 7:00 p.m.

CARVER TOWN HALL

MEETING ROOM #3

Present: Stephen G. Gray, Chairman. Sharon Clarke, Vice-Chairperson. Members: Frances Mello and Mark Poirier. Alternate Member, James Barrington, was also in attendance.

Absent: Alternate James Barrington

Meeting opened at 7:00 P.M.

A. Approval of Minutes:

Approval of Meeting Minutes of May 10, 2022. Vice Chairperson Clark made a Motion to accept the minutes as written and Member Mello seconded the Motion. The Motion passed unanimously.

Continued Public Hearings:

B. Public Hearing: Case 100-6-OR: Petitioner: Wenham PV I, LLC requesting dimensional Variances pursuant to Sections 2320 and 5222 of the Carver Zoning By-law for property located at 27 Wenham Road in Carver, MA (Assessors Map 100, Lot 6 OR) so as to construct a "dual-use" solar project in the Residential Agricultural District. Variances are being requested due to the irregular shape of the parcel and the need for frontage relief (the subject lot has 105 feet of frontage; the minimum requirement is 150 feet).

Chairman Gray opened the Public Hearing by announcing this was a continued hearing. He read the Public Hearing announcement into the record.

Chairman Gray stated this Case has been scheduled and rescheduled a few times. He read a letter he had received late that day from the Petitioner's attorney seeking another continuance. Chairman Gray also noted that at the most recent Town Meeting a moratorium had been placed on new solar projects.

Chairperson Clarke made a Motion to continue Case 100-6-OR, Wenham PV I, LLC per the request of the Petitioner, to another hearing date and was seconded by Member Poirier. The Motion carried unanimously.

Chairperson Gray suggested that the continuance be extended to their August meeting date, as opposed to their next scheduled meeting in July. The Board members settled on the date of August 23, 2022.

Vice Chairperson Clarke made a Motion to schedule Case 100-6-OR, Wenham PV I, LLC to the date of August 23, 2022 and was seconded by Member Poirier. The Motion passed unanimously.

C. Public Hearing: Case 1-20-OR: Petitioner: Richard Antoniotti, II, and Thomas C. Benner, Trustees requesting a Special Permit and/or Variances in accordance with Sections 2245, 2254, 2260 et. seq., 5221, 5222, and 5300 et. seq. of the Carver Zoning By-law, for property located at 92-B South Main Street in Carver, MA (Assessors Map 1 Lot 20-0-R), so as to demolish two existing cottages and construct a new 30 x 40 (1200 SF) house with an accessory dwelling unit in a Residential-Agriculture District.

Chairman Gray stated that the Board was short one Member that evening and asked the Petitioner, through counsel, if he wanted to proceed with a four (4) person Board, as all four members would need to vote unanimously for zoning relief to be granted.

It was decided by the Petitioner to ask for a continuance so that a full five (5) member Board could be in attendance. Counsel also inquired if a site visit could be scheduled at that time if the Board believed it might want to view the property.

Chairman Gray advised that the Board does not schedule site visits until the Public Hearing is actually opened.

Chairman Gray informed the Petitioner of the upcoming schedule of meetings of the Zoning Board of Appeals.

Chairperson Clarke made a Motion to continue Case 1-20-OR, Petitioners, Richard Antoniotti, II, and Thomas C. Benner, Trustees, to the date of July 12, 2022 per the request of the Petitioner and Member Poirier seconded it. The Motion passed unanimously.

D. Public Hearing: Case 62-35-OR: Petitioner: Matthew Singley requesting a dimensional Variance pursuant to Sections 2320, 2254, and 5222 of the Carver Zoning By-law for property located at 65 Crystal Lake Drive in Carver, MA (Assessors Map 62, Lot 35-O-R) so as to construct a 75 square foot addition on a pre-existing nonconforming lot in a Residential Agricultural District. A Variance is being requested due to the need for side setback relief.

Chairman Gray stated that the Board was short one member due to an illness and asked the Petitioner, Matthew Singley, if he wanted to proceed with a four (4) person Board, as all four members would need to vote unanimously for zoning relief to be granted.

The Petitioner waived his right to have this Case heard by a full Board of five (5) and agreed to proceed on the merits.

The Petitioner appeared before the Board and requested a dimensional variance (side setback relief of 25 feet) for property located at 65 Crystal Lake Drive, as he wants to construct a 75-square foot addition on a pre-existing nonconforming lot in a Residential/Agricultural District to improve the livability of the home. The subject property is depicted in an approved subdivision plan dating to 1954, before current zoning.

As further grounds for the requested dimensional relief, the Petitioner stated that the existing square footage of the house is small (@ 832 square feet) and the lot on which it is sited is undersized as well. Any new construction would require dimensional relief in all directions, due to the proximity of neighborhood homes.

The Petitioner told the Board that he had purchased the subject property in February 2022. The proposed construction would occur on the right or South Side of the property and would be placed on a preexisting concrete pad. The Petitioner remarked that the proposed construction is modest in size and will not have any deleterious effect on the environment or neighborhood aesthetics.

No member of the public offered an objection.

Member Poirier made a Motion to close the Public Hearing and was seconded by Vice-Chairperson Clarke. The Motion passed unanimously.

Vice-Chairperson Clarke made a Motion that the Board find that the proposed construction was not substantially more detrimental than any existing non-conforming structure in the neighborhood and was seconded by Member Poirier. The Motion passed unanimously.

Vice-Chairperson Clarke made a Motion that the Board find that owing to circumstances relating to the soil conditions, shape, and/or topography of the structure or lot, but not affecting the district generally, a literal enforcement of the provisions of the Bylaw would involve substantial hardship to the Petitioner and that relief could be granted without nullifying or substantially derogating from the purpose of the Bylaw. Member Poirier seconded the Motion, and it was passed unanimously.

Member Mello made a Motion to grant a Variance under M.G.L. c 40A, Section 10, for a dimensional variance of 25 feet for south side setback relief (Carver Zoning By-laws, Section 2320), owing most specifically to the shape of the lot. The Motion was seconded by Member Poirier. The Motion passed unanimously.

CORRESPONDENCE (if any): none other than referenced herein.

Chairman Gray reviewed the Board schedule:

Next meeting date of June 28, 2022, one (1) case;

Thereafter, July 12, 2022, three (3) cases;

Also, August 23, 2022, one (1) case

Chairman Gray stated for the record that continued cases were not the fault of the Board, as the Petitioners, themselves, had requested them.

Vice Chairperson Clarke made a Motion to adjourn and was seconded by Member Poirier. The Motion passed unanimously.

Respectfully,

Patricia A. Pacella

